

CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10

I, Karen Karlin, hereby certify that this paper and all enclosures are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on May 15, 2002, Express Mail Label No. EL710203608US and is addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231.

Karen Karlin
Signature of Person Mailing

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Roger J. Fretz et al.
Serial No.: 09/341,994
Filing Date: October 28, 1999
Title: Behind the Ear Hearing Aid System

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST & FEE TRANSMITTAL
(for nonprovisional applications under 37 CFR § 1.53(d))

Assistant Commissioner for Patents

BOX CPA

Washington, D.C. 20231

Sir:

Transmitted herewith for filing in connection with the above-identified patent application are the following:

I. CPA Request

- ☒ This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53 (d), (continued prosecution application (CPA) of prior application number 09/341,994 filed on October 28, 1999, entitled Behind the Ear Hearing Aid System.
- ☒ The entire disclosure of the prior application referenced above, is considered as being part of the application filed herewith and is herein incorporated by reference in its entirety.
- ☐ Enter the unentered amendment previously filed on .
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- ☐ Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i).
- ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
- a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

05/17/2002 GTEFFERA 00000127 501193 09341994

02 FC:131 740.00 CH
03 FC:103 162.00 CH
04 FC:102 252.00 CH

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OFFICE OF PETITIONS

II. Accompanying Documents

- ☐ Assignment Papers [] page(s) of Assignment Recordation Cover Sheet and [] page(s) of Assignment
- ☐ Applicant(s) claim Small Entity Status under 37 CFR §1.27 pursuant to a small Entity Statement or ☐ filed in the prior nonprovisional application and such status is still proper
- ☐ Information Disclosure Statement (IDS) [] page(s) of PTO-1449 [] copies of IDS Citations
- ☐ A Preliminary Amendment [] page(s)
- ☐ A copy of a Petition for Extension of Time (1 month) filed simultaneously in prior Application No. _____
- ☐ A copy of a Submission of Processing & Retention Fee (37 C.F.R. § 1.78(a)(1) which is being filed simultaneously in prior Application No. _____
- ☒ Other Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b).
- ☐ Receipt for Facsimile Transmitted CPA (PTO/SB/29A))
- ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)


III. Fee Calculation

<input checked="" type="checkbox"/> The following fees are submitted: The fees to be charges are based on claims: <input checked="" type="checkbox"/> included in the prior appication <input type="checkbox"/> after entry of the Amendment filed on. <input type="checkbox"/> after entry of Preliminary Amendment, attached hereto.					CALCULATIONS
			OTHER THAN SMALL ENTITY	SMALL ENTITY	\$
BASIC NATIONAL FILING FEE			\$ 740.00	\$ 355.00	\$740.00
CLAIMS	# FILED	# EXTRA	RATE	RATE	
Total Claims	29 - 20 =	-9-	× \$18.00	× \$ 9.00	\$ -162.00-
Independent claims	6 - 3 =	-3-	× \$84.00	× \$40.00	\$ -252.00-
MULTIPLE DEPENDENT CLAIM(S)					
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			\$270.00	\$135.00	\$ -0-
Fee for recordation of the enclosed assignment (37 CFR 1.21(h), 3.28, 3.31). _____ (Numbers of Applications) × \$40.00					\$ -0-
OTHER FEES <u>Petition for Revival for Unintentional Abandonment (specify)</u>					\$1280.00
OTHER FEES _____ (specify)					\$
TOTAL FEES =					\$2434.00

- a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 50-1193, Docket No. 22645-7013 amount of \$2434 to cover the above fees. *A duplicate copy of this sheet is enclosed.*
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1193, Docket No. 22645-7013
A duplicate copy of this sheet is enclosed.

SEND ALL CORRESPONDENCE TO:

David G. Beck
McCutchen, Doyle, Brown & Enersen, LLP
Three Embarcadero Center, 24th Floor
San Francisco, CA 94111
Telephone: (415) 393-2000

 5-11-02
SIGNATURE DATE

David G. Beck 37,776
NAME REGISTRATION NUMBER